

## **ZONING BOARD OF APPEALS – MEETING MINUTES**

Wednesday, February 23, 2022

The public hearing was web-based on Zoom at <https://us06web.zoom.us/j/2574297243>  
Meeting ID: 257 429 7243

**I. CALL TO ORDER** – Commissioner Antonio called the meeting to order at 7:08 P.M.

### **II. ROLL CALL**

Present: Steven Antonio, Mark Freeman, JoAnn Hogan, Ram Kaza, Joshua Michelson

Absent: Ali Rice, Sharon Thomas, and Stacey Walczak

### **III. APPLICATIONS**

#### **1. Public Hearings**

A. Application #22-01 of Bruce Hale, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 to install an emergency generator in the front yard at the property located at 6 Caryn Lane (Assessor's Map D19, Block 617, and Lot 138). Zone R-40.

- Mr. Hale stated that the contractor, Codan Electric LLC, who came out said that the only place the generator could be is on the side of the house in front of the garage, which is where the gas comes in right above the electrical panel box in the basement.
- Mr. Hale commented that it is only 2.5 feet tall, it is behind some plants, and there is only one neighbor that has a direct view of it, and they are about 40 yards away, so it would not be much of an eye sore concern. He got signatures from them saying it was okay.

**MOTION:** Commissioner Antonio made a motion to approve Application #22-01 of Bruce Hale, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 to install an emergency generator in the front yard at the property located at 6 Caryn Lane (Assessor's Map D19, Block 617, and Lot 138). Zone R-40.

Commissioner Michelson seconded the motion. The motion carried unanimously.

B. Application #22-02 of Geoffrey A. & Christine E. Giddings, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.10 for the installation of a pool within the rear yard setback of the property located at 468 Firetown Road (Assessor's Map D03, Block 202, and Lot 001). Zone R-80.

- Mr. Giddings stated that they are planning on putting a pool behind their detached carriage house garage, which is a little over 50 feet off the rear setback, the width of the pool is about 20 feet. If they can't get into back the setback area it will be very close to the back of the garage. Along with it not being aesthetically pleasing that area was built

up on fill when he built the garage and he has had a few problems with settling with the foundation of the garage, so he is hesitant about getting too close to the garage with any construction. Mr. Giddings also brought attention to the irregular shape of his lot of land and how that limits the pool's placement.

- Mr. Giddings' neighbor is 200 feet away and uphill from the proposed pool's placement and doesn't think it would impact her in any way. He would like to have the pool approximately 15 feet from the property line. It is above ground and will only be four feet deep. He would like it installed this spring.
- Nakisha Smith, Mr. Giddings' neighbor stated that she supports his application and that she will not be able to see much of his pool because there is a wooded area separating their properties.
- Commissioner Freeman inquired if there was any risk of the garage's settling issue mentioned by whoever is installing the pool. Mr. Giddings responded that he did not raise that issue with them. He stated that his excavation contractors, the Caldwell's, are highly qualified and they will be doing the compacting and insuring the site is properly prepared.

**MOTION:** Commissioner Antonio made a motion to approve Application #22-02 of Geoffrey A. & Christine E. Giddings, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.10 for the installation of a pool within the rear yard setback of the property located at 468 Firetown Road (Assessor's Map D03, Block 202, and Lot 001). Zone R-80.

## **2. Discussion and Possible Action**

A. Application #22-01 of Bruce Hale, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 to install an emergency generator in the front yard at the property located at 6 Caryn Lane (Assessor's Map D19, Block 617, and Lot 138). Zone R-40.

- Commissioner Antonio stated that the hardship would be the gas line entry into his home being on the same wall as the generator.

**MOTION:** Commissioner Antonio made a motion to approve Application #22-01 of Bruce Hale, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.5 to install an emergency generator in the front yard at the property located at 6 Caryn Lane (Assessor's Map D19, Block 617, and Lot 138). Zone R-40, with the conditions being that the applicant should provide adequate screening in the form of plantings and such, generator location needs to comply with all zoning setbacks, and an administrative zoning permit is necessary to be obtained.

Commissioner Hogan seconded the motion. The motion carried unanimously.

B. Application #22-02 of Geoffrey A. & Christine E. Giddings, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.10 for the installation of a pool within the rear yard setback of the property located at 468 Firetown Road (Assessor's Map D03, Block 202, and Lot 001). Zone R-80.

- Commissioner Antonio stated that the pool should be at least 10 feet from the rear property line. He believes that all other zoning ordinances will be respected. He also said that there will be a conditional administrative zoning permit. With it being an above ground pool, it helps with the variance.

**MOTION:** Commissioner Antonio made a motion to approve Application #22-02 of Geoffrey A. & Christine E. Giddings, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Section 3.10 for the installation of a pool within the rear yard setback of the property located at 468 Firetown Road (Assessor's Map D03, Block 202, and Lot 001). Zone R-80 with the hardship being an irregular lot and this is the only feasible location to the rear of the building, it is encumbered by the septic fill, and it is a heavily wooded area. This approval is subject to the following conditions: the pool location shall not be less than 10 feet from any rear property line, the pool location shall comply with all other zoning setbacks, and an administrative zoning permit is to be obtained.

Commissioner Hogan seconded the motion. The motion carried unanimously.

#### **IV. GENERAL COMMISSION BUSINESS**

None.

#### **V. APPROVAL OF MINUTES** of December 22, 2021 regular meeting

Commissioner Hogan made a correction that on the last page in the top paragraph, the plant was misspelled and should be spelled "Arborvitae".

**MOTION:** Commissioner Hogan made a motion to approve the minutes from the December 22, 2021 regular meeting as presented with the correction of "Arborvitae".

Commissioner Kaza seconded the motion. The motion carried unanimously. Commissioner Michelson abstained because he was not present at the meeting.

**VI. ADJOURNMENT** Commissioner Hogan made a motion to adjourn the meeting. Commissioner Michelson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:28 P.M.

Respectfully Submitted,

Amanda Blaze  
Commission Clerk